

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

BOWATER NEWSPRINT SOUTH  
OPERATIONS, LLC

Plaintiff

VS.

Civil Action No. 3:09cv003-D-A

KONECRANES, INC., and  
M.L. SMITH, JR., INC.

Defendants

**AGREED ORDER FOR SHIPPING AND TESTING OF PIPE AND FLANGE**

UPON AGREEMENT OF THE PARTIES, it is hereby ordered as follows:

1. The pipe flanges will be shipped to Anderson and Associates at 919 FM Road, Houston, TX 77034;
2. Once the flanges have arrived at the labs, the specimen locations will be reviewed by Dr. Herrera, as Mr. Arnoult and Mr. Edwards have already selected their preferred specimen extraction site on the welds. The specimens would be cut from the flanges and pipe using cutting torches and horizontal band saws. Torch cuts will be made at sufficient distance from the eventual cross-section locations to prevent any heat related effects on the metallurgical structure;
3. After the samples have been removed from the pipe and flanges, the consultants will examine the samples on stereo microscopes to determine the fracture characteristics and possible need for further electron microscopy.
4. The following tests will be performed by the laboratory personnel:
  - a. Metallographic sample preparation, estimated 4-6 samples;
  - b. Metallographic examination by etching and reflected light microscopy;
  - c. Microhardness testing across the weld cross-sections, optical emission

spectroscopy (OES) on the weld metal, pipe material and flange material OES will be reinforced by Leco Total Carbon testing for carbon and sulfur;

- d. Collaborative measurements of the weld cross-sections will be performed by the consultants during the sample preparations;
5. Digital photographs produced on the microscopes will be recorded on discs and disseminated to all consultants and interested parties so that all parties are working "from the same page". Microhardness measurements and chemistry results will also be shared among the interest parties;
6. Costs will be shared equally by all parties.

IT IS THEREFORE ORDERED AND ADJUDGED, that the shipping and testing of the pipe and flanges shall be carried out in the above described manner.

SO ORDERED, this the 16<sup>th</sup> day of September 2009.

/s/ David A. Sanders  
UNITED STATES MAGISTRATE JUDGE